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AGN. NO. _____

MOTION BY SUPERVISOR YVONNE BRATHWAITE BURKE

May 27, 2003

In March, Governor Davis announced that the State had submitted a State Plan Amendment (SPA) requesting that the Centers for Medicare and Medicaid Services (CMS) approve an innovative idea that will allow California's counties the flexibility to expand access to health coverage to children.

Each year over 650,000 children of low-income working families receive affordable health insurance through California's Healthy Families Program, one of the most successful SCHIP programs in the nation. And yet, thousands of children whose families fall just above the maximum Healthy Families income guidelines, 250% of the federal poverty level (FPL), remain uninsured.

In 2001, the California Legislature approved Assembly Bill 495 that authorized the use of local funds from a county agency, a local initiative, or a county organized health system to draw down federal SCHIP funds to be used to provide health insurance coverage to children in low-income households who do not qualify for health care benefits through the Healthy Families Program or Medi-Cal.

-M-O-R-E-

MOTION

MOLINA _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

BURKE _____

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In order to implement AB 495, CMS must approve California's SPA which the State submitted on March 31, 2003. With CMS approval, California counties will have the ability to expand access to affordable health care to tens of thousands of California children.

Congressman Adam Schiff and 32 Members of the California Congressional Delegation have signed a letter to the Centers for Medicaid and Medicare Services (CMS) urging them to approve the State's waiver.

I THEREFORE MOVE THAT the Board of Supervisors send a five-signature letter to Tom Scully, Administrator of CMS expressing the Board support for approval of the State Plan Amendment submitted by the State to enable enactment of AB 495 and increase health coverage for children.

I FURTHER MOVE THAT the Board instruct our advocates in Washington to assist in seeking approval by CMS of the State Plan Amendment.

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YBB:PM:jt3(AB495)



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

May 30, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich
David E. Janssen
From: David E. Janssen
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE BRATHWAITE BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

MOTION TO AMEND AB 1395 (LOWENTHAL) AND TO SUPPORT SB 892 (MURRAY) -- PUBLIC SCHOOL RESTROOM FACILITY STANDARDS AND INSPECTION (ITEM NO. 7, AGENDA OF JUNE 3, 2003)

Item No. 7 on the June 3, 2003 Agenda is a motion by Supervisor Antonovich to 1) seek an amendment to AB 1395 (Lowenthal) to establish enforcement authority for local health department agencies to provide annual routine inspections of public school restrooms and to recover inspection costs from the public schools or by specific State appropriations, and 2) support SB 892 (Murray). This item was continued from the meetings of May 13, 2003 and May 20, 2003.

AB 1395 (Lowenthal)

AB 1395 failed passage from the Assembly Appropriations Committee's Suspense File on May 28, 2003.

AB 1395 would have required the governing board of every school district to develop a Restroom Improvement and Maintenance Plan by January 1, 2005 to address the problems associated with school restroom facilities and to ensure that minimum health standards are met in every restroom facility in the school district. Development of the restroom plan would have been required to include participation of the governing board members, school administrators, teachers, pupils, parents or guardians, and classified school staff. The plan would have addressed openness, cleanliness, repair, maintenance, and safety of restrooms in the district.

AB 1395 was amended on May 14, 2003 to require the governing board of a school district to report, at designated school board meetings and on a biannual basis, on the district's progress in implementing its Restroom Facilities Improvement and Maintenance Plan, instead of including this information in the School Accountability Report Card. Because the School Accountability Report Card was established by Proposition 98, "The Classroom Instructional Improvement and Accountability Act of 1998," would have required a 2/3 vote of the Legislature to change the provision.

AB 1395 was sponsored by the author and supported by the California Teachers Association, the California Medical Association and Californians for Justice. There was no registered opposition.

SB 892 (Murray)

As amended on May 14, 2003, SB 892 requires school districts as a condition of receipt of State apportionments, to use those funds, in part, to protect the right of every public school pupil to attend a school in which restroom facilities are available, safe and clean. The bill would require every restroom facility in each public school to be open at all times during school hours and to be regularly maintained, cleaned, fully operational, stocked with supplies, and contain the minimum number of fixtures required by existing law. The previous version of bill also would have required local health departments to develop a plan for regular inspections of school restroom facilities and authorized school pupils, parents and employees to request the health department to conduct an inspection of any school restroom.

The California State Association of Counties (CSAC) opposed SB 892 prior to the removal of the mandate that county public health agencies regularly inspect public school restrooms. CSAC noted that public health resources are currently stretched very thin and local health departments could not assume the new inspection responsibilities without compromising their ability to protect the public's health against communicable disease and other public health threats. CSAC indicated that inspection and correction programs administered by school districts are a more appropriate approach to accomplishing the goals of the bill.

Senate Education Committee staff indicated in a recent Committee report that some aspects of SB 892 do not appear to be operationally feasible. For example, the requirement that every restroom facility be open, fully stocked and operational during school hours may not be possible if a plumbing problem develops that requires days to repair, or if a restroom is vandalized over a weekend it is unlikely that it would be fully operational on Monday morning.

SB 892 is sponsored by the author and it has no registered support. CSAC dropped its opposition following the May 14, 2003 amendment which eliminated mandated inspections by local health departments. According to Senate Appropriations

Committee staff, the hearing on SB 892 scheduled for May 29, 2003 was postponed for discussions between Senator Alpert, the Committee Chair, and the Governor's Office. No new hearing date has been set.

State Mandate Reimbursement

Under the California State Constitution, the State is not required to reimburse a local government for the costs to implement a Legislative mandate requested by that government. Bills which contain costs over \$150,000 are routinely placed on fiscal committee suspense files to be considered in the context of the State budget outlook. As previously noted, AB 1395 died on the Assembly Appropriations Committee's Suspense File. Should the County request that SB 892 be amended to authorize local health department agencies to provide inspections of public school restrooms, it is likely that the County would not succeed in obtaining State reimbursement for inspection costs.

Recommendation

The Department of Health Services (DHS) indicates that providing annual routine inspections of public school restrooms would result in annual County costs of \$252,000. As currently drafted, SB 892 does not mandate local health departments to inspect public school restroom facilities. **In the absence of funding to fully reimburse inspection costs, DHS recommends that the County support SB 892 as currently drafted, and we concur.**

DEJ:GK
MAL:MS:lm

c: Executive Officer, Board of Supervisors
County Counsel
Department of Health Services